

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN ILLINOIS COMPANY)	
d/b/a Ameren Illinois,)	Docket No. 12-0293
Petitioner)	
)	
Rate MAP-P Modernization Action Plan –)	
Pricing Annual Update Filing)	

**REVISED VERIFIED MOTION OF AMEREN ILLINOIS COMPANY TO REMOVE
INSTANTER CONFIDENTIAL INFORMATION FROM THE PUBLIC RECORD**

Ameren Illinois Company d/b/a Ameren Illinois (“AIC”), pursuant to 83 Ill. Adm. Code § 200.190(a), 220 ILCS 5/4-404 and the Protective Ruling entered in this proceeding, respectfully requests that the Administrative Law Judges (“ALJs”) order confidential information inadvertently placed in the public record to be removed instanter therefrom. Specifically, AIC requests that the public version of intervenor the Citizens Utility Board (“CUB”) Exhibit 1.3, filed with the Commission via e-Docket on July 3, 2012, immediately be removed from e-Docket because it includes confidential information contained in a data request response. In connection therewith, AIC has no objection to CUB filing a revised public version of CUB Exhibit 1.3 which incorporates the properly redacted version of that data request response, a copy of which is attached as Appendix A. In support of this Motion, AIC states as follows:

1. On January 3, 2012, AIC filed its proposed performance-based formula rate tariff, Rate MAP-P, initiating Docket 12-0001. Related, on April 20, 2012, AIC filed its updated cost inputs to that rate tariff for the applicable rate year and the corresponding charges, along with supporting direct testimony, initiating the instant proceeding. On May 31, 2012, the ALJs adopted Terms Governing Protection of Confidential Information (“Protective Ruling”). (See ALJs’ Ruling and Protective Ruling (May 31, 2012).) Thereafter, AIC engaged in discovery

with Staff and other parties intervening in this proceeding, subject to the terms of the Protective Ruling.

2. On February 3, 2012, AIC responded in Docket 12-0001 to data request AG 2.17, related to AIC's FIN 48 tax liabilities, providing a narrative response to the request and attaching supporting information ("AG 2.17 Attach"). AIC does not disclose portions of the supporting information (consisting of categorization of AIC's FIN 48 liabilities and their corresponding dollar amounts) because disclosure might compromise AIC's ability to negotiate its uncertain tax positions with the taxing authorities. As such, that information is confidential. (See Protective Ruling, ¶ 1(a).) However, despite its confidential nature, AIC inadvertently produced that information in unredacted form.

3. On July 3, 2012, CUB filed in this docket the Direct Testimony of Ralph C. Smith, CUB Exhibit 1.0. Accompanying Mr. Smith's testimony were several exhibits, including CUB Exhibit 1.3. CUB filed both public and confidential versions of that exhibit. Pages 11 and 12 of the public version of CUB Exhibit 1.3 are AIC's narrative response to AG 2.17 and AG 2.17 Attach, respectively, in Docket 12-0001. Accordingly, page 12 of the version of CUB Exhibit 1.3 presently available to the public contains the confidential tax information discussed above.

4. On or about July 23, 2012, it came to AIC's attention that it had inadvertently produced, in response to AG 2.17 in Docket 12-0001, the confidential tax information in unredacted form. Related, AIC also became aware that information had been disclosed publicly, via the public version of CUB Exhibit 1.3 in this proceeding. As such, on that date, counsel for AIC notified counsel for CUB that the public version of CUB Exhibit 1.3 contained confidential

information and indicated AIC's intended to file the instant motion. CUB expressed it did not object to the relief sought.

5. Counsel for AIC also notified Staff and the AG that certain information submitted in response to AG 2.17 in Docket 12-0001 is, in part, confidential as discussed above. On July 24, 2012, AIC's counsel represented to those parties its intention to file the instant motion and asked whether they had any objection to the relief sought by AIC. As of the time of filing, neither Staff nor the AG has responded to that request or indicated they have any objection to this motion.

6. Having identified the error at issue, AIC also served the parties in Docket No. 12-0001 with a revised version of its response to AG 2.17—AG 2.17R and accompanying AG 2.17R Attach—the next day, July 24, 2012. AG 2.17R Attach is properly redacted and thus appropriately reflects the confidential nature of the tax information contained therein. A copy of AG 2.17R (including AG 2.17R Attach) is appended to this motion.

7. Paragraph 8 of the Protective Ruling provides in pertinent part: "If a party inadvertently produces Confidential Information not marked as such and the Producing Party subsequently notifies the recipient (and confirms in writing) that such information is Confidential Information, the receiving party will treat such information as identified by the Producing Party in accordance with the terms contained herein and will use its best efforts to recall or retrieve any such information that has been distributed not in accordance with said terms." (Protective Ruling ¶ 8.) Paragraph 9 of the Protective Ruling requires any party who files with the Commission an exhibit containing confidential information to also file a public redacted version of that exhibit. (Protective Ruling ¶ 9(d).) In accordance with those paragraphs, AIC submits the instant motion representing part of its "best efforts to recall or retrieve" the confidential tax

information inadvertently produced and publicly disclosed. Toward that end, the public version of CUB Exhibit 1.3 presently available on e-Docket should be removed instanter.

8. As stated, AG 2.17R and 2.17R Attach appended to this motion appropriately reflect the confidential nature of the tax information. AIC submits CUB should be permitted to file a revised public version of CUB Exhibit 1.3 (at pages 11 and 12). Effectively, the only substantive impact on the record would be substitution of page 12 in the current public version of CUB Exhibit 1.3 with the appropriately redacted AG 2.17R Attach.

9. CUB does not object to the relief sought in this motion.

10. AIC recognizes the subject tax information has been in the public domain. Nonetheless, given the confidential nature of that information, removing it from the public record instanter will mitigate further public disclosure and thus minimize the resulting detriment to AIC and its customers.

11. AIC further submits that no party will be prejudiced by this motion because those parties that require access to confidential information in this case have obtained such access in accordance with the provisions of the Protective Ruling and will continue to be able to review the information redacted from the anticipated revised public version of CUB Exhibit 1.3.

12. Section 4-404 of the Public Utilities Act requires the Commission to “provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity” 220 ILCS 5/4-404.

WHEREFORE, AIC respectfully requests the ALJs order the public version of CUB Exhibit 1.3 presently on e-Docket to be removed from the public record instanter. Related, CUB should be permitted to file on e-Docket a revised public version of CUB Exhibit 1.3 which replaces AG 2.17 and AG 2.17 Attach at pages 11 and 12, respectively, with AG 2.17R and AG

2.17R Attach, which appropriately reflect the confidential nature of the tax information contained therein.

Dated: August 1, 2012

Respectfully submitted,

Ameren Illinois Company
d/b/a Ameren Illinois

/s/ Albert D. Sturtevant

Mark A. Whitt
Christopher T. Kennedy
WHITT STURTEVANT LLP
PNC Plaza, Suite 2020
155 East Broad Street
Columbus, Ohio 43215
(614) 224-3911
whitt@whitt-sturtevant.com
kennedy@whitt-sturtevant.com

Albert D. Sturtevant
Rebecca L. Segal
WHITT STURTEVANT LLP
180 N. LaSalle, Suite 2001
Chicago, IL 60601
(312) 251-3017
(312) 251-3019
sturtevant@whitt-sturtevant.com
segal@whitt-sturtevant.com

Christopher W. Flynn
Attorney at Law
180 N. LaSalle, Suite 2001
Chicago, IL 60601
cwflynnlaw@gmail.com

Edward C. Fitzhenry
Matthew R. Tomc
AMEREN SERVICES COMPANY
One Ameren Plaza
1901 Chouteau Avenue
St. Louis, Missouri 63166
(314) 554-3533
(314) 554-4014 (fax)
efitzhenry@ameren.com
mtomc@ameren.com

CERTIFICATE OF SERVICE

I, Albert D. Sturtevant, an attorney, certify that on August 1, 2012, I caused a copy of the foregoing Revised Verified Motion of Ameren Illinois Company to Remove Instantaneous Confidential Information from the Public Record to be served by electronic mail to the individuals on the Commission's Service List for Docket 12-0293.

/s/ Albert D. Sturtevant
Attorney for Ameren Illinois Company
d/b/a Ameren Illinois

VERIFICATION OF ALBERT D. STURTEVANT

I, Albert D. Sturtevant, being first duly sworn, state that I have read the Revised Verified Motion of Ameren Illinois Company to Remove Instantaneous Confidential Information from the Public Record and that the facts stated therein are true and correct to the best of my knowledge and belief.



Attorney for Ameren Illinois Company
d/b/a Ameren Illinois

Sworn and subscribed to before me
this 1st day of August 2012.



Notary Public

